

REMARKS

This Amendment, Response, and Request for Continued Examination Pursuant to 37 CFR 1.114 is being submitted in response to the Advisory Action mailed May 5, 2008, and the final Office Action mailed March 17, 2008. Claims 1-38 are pending in the Application.

Claim 35 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-13, 15-28, 31, 32, and 36 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sharma *et al.* (U.S. Pat. No. 6,766,165) in view of Heitman *et al.* (U.S. Pat. No. 6,920,494) in further view of Ahmed *et al.* (U.S. Pat. No. 7,158,484).

Claims 14, 29, 30, 33-35, 37, and 38 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sharma *et al.* (U.S. Pat. No. 6,766,165) in view of Heitman *et al.* (U.S. Pat. No. 6,920,494) in further view of Ahmed *et al.* (U.S. Pat. No. 7,158,484) in further view of Williams *et al.* (U.S. Pat. Pub. No. 20050015623).

In response to these rejections, Claims 1, 15, 17-18, 20, 22-24, 26-27, 29-31, 33, 35-36, and 38 have been amended and Claims 13-14 and 37 have been canceled to further clarify the subject matter which Applicants regard as the invention, without prejudice or disclaimer to continued examination on the merits. These amendments are fully supported in the Specification, Drawings, and Claims of the Application and no new matter has been added. Based upon the amendments and the arguments presented herein, reconsideration of the Application is respectfully requested.

Information Disclosure Statement

Examiner requests Applicants stipulate as to each and every reference cities on the IDS submitted on 3/4/2004 which is material to patentability. Examiner states that these

references will not be considered until an underlining of the most relevant documents is provided per MPEP §2004.

Accordingly, Applicants respectfully submit the most relevant references from the IDS submitted on 3/4/2004 are:

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| US 2003/0135762 A1 | Macaulay |
| US 2003/0061506 A1 | Cooper <i>et al.</i> |
| US 2002/0090952 A1 | Cantwell |

Claims 35 - §112, Second Paragraph, Rejection

Claim 35 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has changed “the monitoring means” to the “wireless sensor” to correct antecedent basis. Accordingly, Applicant respectfully requests withdrawal of this rejection.

§103(a) Rejections – Williams *et al.*

Applicant is filing an updated declaration under 37 C.F.R. §1.131 herewith swearing behind the Williams *et al.* reference. All amendments presented herein are to incorporate existing limitations and elements in dependent claims into independent claims.

With regard to Claims 1- 32, Applicant has incorporated all limitations in Claims 13 and 14 in independent Claim 1, and Applicant has canceled Claims 13-14. Additionally, minor amendments have been made to dependent Claims 15, 17-18, 20, 22-24, 26-27, and 29-31 based on this amendment to Claim 1.

With regard to Claims 36-37, Applicant has incorporated all limitations in Claim 37 in independent Claim 36, and Applicant has canceled Claim 37.

The amendments presented herein with regard to independent Claims 1 and 36 only incorporate existing dependent claims which included rejections based upon Williams *et al.* Applicant has included minor amendments to independent Claims 33 and 38.

Accordingly, based upon the 37 C.F.R. §1.131 declaration swearing behind Williams *et al.*, Applicant respectfully requests withdrawal of all §103(a) rejections.

CONCLUSION

Applicant would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper. However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,

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